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March 1, 2024

Via ECF

The Honorable Jesse M. Furman
United States District Court for the Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 2203
New York, NY 10007

Re: People of the State of New York v. Arm or Ally, LLC, et. al, No. 22 Civ. 6124

Dear Judge Furman,

This office represents Plaintiff, the People of the State of New York ("the State"), in the above-referenced matter. I write to provide additional information to the Court in advance of next week's show cause hearing concerning additional statements made by defendant Indie Guns, LLC and its principal, Lawrence Destefano, after the State filed its moving papers. Although Indie Guns has still not retained a lawyer, Mr. Destefano has taken to social media to make an array of threats, boasts, and expressions of contempt for the proceedings, as described more fully below.

February 4: Ongoing shipments of frames, receivers, and full build kits

In an Instagram video dated February 4, 2024, Mr. Destefano reiterated his intention to ship Indie Guns products "throughout the United States," stating, "I hope you are all building your guns, and I hope you're all building a lot of them. I'm at the warehouse. I'm going to be processing, packing, processing orders all night. If you want anything, just go ahead, and text me. **I've got full-built kits or LSB kits that I'm shipping out. I've got a couple of ghost-gunners. I've got the frame kits. I've got a bunch of magazines I've got to send out throughout the United States.**" In the same video, Mr. Destefano explained that "I don't have an attorney and the reason I don't have an attorney—guys, is, the attorneys will not represent me because they're stating that I am failing to follow their legal advice and their legal advice is they're advising me to turn over my customer data and that would get me out of all this trouble, which I'm not going to do." <https://www.instagram.com/reel/C282loqsfWj/?igsh=>

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[djVwaTY0Z3VhZHR2](#) (last visited March 1, 2024).¹

February 5: “I’ve got business owners telling me you can’t violate court orders. Yes, you can.”

In an Instagram video dated February 5, 2024, Mr. Destefano made clear his intention to ignore court orders and continue his ongoing destruction of evidence: “I’ve had lawyers tell me that if there’s a court order for me to turn over customer data, I’m going to have to. **I’ve got business owners telling me you can’t violate court orders. Yes, you can. I’m saying this to all the companies out there, all the business owners, I’m doing it. I will, I’ve done it. I’m going to do it.** I will never abide by any court order, any government, any official to turn over unfettered, blanket customer data to the government. I don’t care what you have, I don’t care if you have a warrant coming to my house and I don’t understand when people say, all these business owners, **lawyers say that you have to. Okay, if I don’t...or what? What’s going to happen?** What are you going to do to me? You’re going to take everything from me? You’re going to put me out on the street? Go ahead. Do whatever you have to do because I’m telling all of you, all you government officials, everyone out there, you will never get me to turn over customer data. **You can’t go in the backdoor, I’ve wiped it clean. Spoilation[sic] of evidence? You want to... what is that? Lawyers tell me you can’t... that’s called spoilation[sic] of evidence, you can go to jail. I’ve spoiled it. I’ve destroyed it. There’s nothing. You will find nothing.** You will never, ever get me to turn over customer data, and you’ll never get my customer data.” See <https://www.instagram.com/reel/C29Ij6tsFqg/?igsh=MWRyeWp3bXRpcjgweg> (last visited March 1, 2024).²

February 14: “It’s not because I’m afraid of a default judgment—that means nothing to me.”

In an Instagram video dated February 14, 2024 directed to the Court, Mr. Destefano stated, “Judge Furman, I’ve been scrambling since I got this order from you last week. Went to the Florida bar website and clicked find an attorney. . . . I’m trying the best I can to get an attorney so I can put the gloves on and get in the ring. **And it’s not because I’m afraid of a default judgement—that means nothing to me—you can hold me in criminal contempt, civil contempt, incarcerate me, throw away the key, do whatever you have to do, but know one thing—you will never get me to turn over indiscriminate, unfettered, blanket customer data. Besides, there’s nothing to turn over. I destroyed all the evidence,** but like I said, I’m busting my butt to find someone ‘cause I know if I showed up to play the game, I’ll spank the shit out of Letitia James and all her assistant attorneys general.” See <https://www.instagram.com/reel/C3WOWPVPb-s/?igsh=MTBkMDBiY3ltaXJseg> (last visited March 1, 2024).³

February 16: Threats of violence

Indie Guns made a series of posts on February 16, 2024, most notably a disturbing video showing repeated images of rats being shot to death. The video is filmed in a “night-vision” mode and shows one rat after another being shot by a person firing from the camera’s perspective. The images are graphic: the camera lingers on the first rat as blood soaks his fur

¹ A transcript of this video is available as Exhibit 1 to this Supplemental Letter.

² A transcript of this video is available as Exhibit 2 to this Supplemental Letter.

³ A transcript of this video is available as Exhibit 3 to this Supplemental Letter.

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and begins to drip off his head and onto the ground; after additional rats are shot, the camera shows them twitch, bounce, and writhe as they die. An ominous music track plays over the video and the voice of Mr. Destefano says, “has anyone ever had a rat infestation problem? If so, how did you deal with it?” <https://www.instagram.com/indieguns/reel/C3aidWGrqf4/?hl=en> (Last visited March 1, 2024)

The nature of the threat is certain, though it is unclear to whom Mr. Destefano is directing it. Earlier that day Indie Guns released a video going over previous court filings from our Office and repeatedly mentioning a member of the litigation team by name. See <https://www.instagram.com/indieguns/reel/C3ZWgzOs-89/?hl=en> (Last visited March 1, 2024). One of Indie Guns’ followers commented on the video, “Did you know that the word ‘rat’ is derived from the Latin word for “government official[?]” See *id.* But on February 17 and 18, Indie Guns released videos concerning codefendants Rainier Arms and Arm or Ally, in each case placing the company’s logo under a picture of a rat and criticizing the companies for reaching a settlement in the related lawsuit with New York City. See <https://www.instagram.com/indieguns/reel/C3cIIXhMaAq/> (last visited March 1, 2024) and <https://www.instagram.com/indieguns/reel/C3hCvdIM-43/> (last visited March 1, 2024). In any event, no matter whether Mr. Destefano is targeting the government or Indie Guns’ codefendants, these threats of violence should have no place in a legal proceeding and underscore the need for the Court’s intervention.

Each of these videos have reached Indie Guns’ approximately 7,400 followers, and any other recipients designated by Instagram’s algorithm. Indie Guns’ recent social media activity extends far beyond these four particular videos, with Mr. Destefano repeatedly filming himself packaging unfinished frames and receivers for shipment, often in full build kits, see, e.g., https://www.instagram.com/indieguns/reel/C3kC_AuuB8p/?hl=en (last visited March 1, 2024), or boasting that Indie Guns’ products are “Unserialized, Untraceable, Unregistered, Unstoppable, Untouchable, Incorruptible.” <https://www.instagram.com/indieguns/p/C31OI8mJUcB/?hl=en> (last visited March 1, 2024).

Taken in total, these postings demonstrate Indie Guns’ ongoing commitment to shipping unfinished frames and receivers directly to consumers, its willful destruction of evidence, and its contempt for the rule of law. They also underscore the appropriateness of punitive damages under New York law, as “[p]unitive damages are permitted when the defendant’s wrongdoing is not simply intentional but ‘evinces a high degree of moral turpitude and demonstrates such wanton dishonesty as to imply a criminal indifference to civil obligations.’” *Ross v. Louise Wise Servs., Inc.*, 8 N.Y.3d 478, 489 (2007) (quoting *Walker v. Sheldon*, 10 N.Y. 2d 401, 405 (1961)). The Office of the Attorney General looks forward to the opportunity to discuss the matter with Your Honor at Monday’s show cause hearing.

Respectfully submitted,


James M. Thompson
Special Counsel

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Cc: All counsel of record (via ECF)
Indie Guns, LLC (via Email)